FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.988 OF 2006
IN
EXECUTION APPLICATION NO.30 OF 1997
IN
SUMMARY SUIT NO.2108 OF 1994

Office Notes, Office Memorandum of Coram, appearance, Court orders or directions and Prothonotary's orders	Court's or Judge's orders

Mr.Vijay Kumar Gupta plaintiff present in person.

Mr.H.A.Kadwani for Respondent no.1

Mr.A.M.Kazi Dy.Sheriff present.

Coram : R.S.Mohite,J

Date : 8.11.2006.

PC

1. After passing of my order dated 13.9.2006 the son of the deceased defendant Navin Gandhi has written a letter dated 26.9.2006 to the Sheriff indicating that he was willing to make an offer of Rs.13 lakhs including the Sheriff's charges and to deposit the same in the office of Sheriff at Bombay on or before 12.10.2006. Deputy Sheriff informed me that no deposit has been made till today. Apart from writing the said letter, no

further steps have been taken by Mr.Navin Gandhi. Mr.Navin Gandhi is absent today. The plaintiff states that he has got a buyer who is willing to purchase the flat for Rs.14 lakhs and in order to show his bonafides, he is depositing amount of Rs.1,40,000/- by a demand draft. The record indicates that 3 attempts have been made to sell the property of the defendants by auction. On the first occasion, reserve price was fixed at Rs.25 lakhs but bids were received only to the tune of Rs.5 lakhs, on the 2nd occasion, no bids were received and on the 3rd occasion, highest bid was for Rs.10 lakhs. Latest valuation of the property indicates the price of the property as Rs.21,50,000/-. In these background, since the defendant chooses not to take any interest and 3 attempts have been made to sale the flat in question by inviting bids and all the 3 attempts have failed, I am inclined to allow the offer brought in by the plaintiff for an

amount of Rs.14 lakhs. The proposed buyer Mr.Manmohan Singh has filed an affidavit dated 7.11.2006. The demand draft payable to the Sheriff of Rs.1,40,000/- is also tendered. The said demand draft is handed over to the Deputy Sheriff in Court and it is directed that he will proceed to complete the sale in favour of Manmohan Singh. The offer is on an as is and where is basis. It may be noted here that the said flat is mortgaged and the Advocate for the Bank has no objection for the completion of sale of the flat. It is made clear that the bank is directed to deposit original title deeds in the Sheriff within 4 weeks from today. I am informed that the original title deeds are lying with the DRT. Advocate for the bank states that he will submit zerox copies of the original title deeds in the DRT and get back the original title deeds for lodging in the Sheriff office. In view of these directions, Chamber summons

stands disposed off.

(R.S.Mohite,J)